

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 22, 2007

DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, Acting P.J., Vogel (Miriam A.), J., Rothschild, J., Jackson, J. (Assigned) and P. Gonzalez, Deputy Clerk.

Each of the following:

B187100 People v. Lyles
B187334 People v. Larios
B187374 People v. Takizawa
B188755 People v. Kitlas
B189078 People v. Sanchez, J.
B189389 People v. Martinez
B189403 People v. Rossum
B190665 People v. Sanchez, V.
B190868 People v. Marron
B192294 People v. Demour J.
B192541 People v. Hunter
B192780 People v. Olvera
B193644 People v. Manuel S.
B194385 People v. Arthur C.
B192609 DCFS v. Elvira C.
B193906 DCFS v. Princess M.
B196739 Jennifer S.v. SCLA (DCFS, rpi)
B197038 I.D., v. SCLA (DCFS, rpi)
B197166 Rosa F. v. SCLA (DCFS, rpi)

Argument waived, cause submitted.

DIVISION ONE (continued)

B189427 People v. Johnson

Matter continued to June 26, 2007.

B189904 Hansraj Parmar
v.
County of Los Angeles

Merits:

Argued by Allbert F. Coombes for appellant and by Shannon M. Hirtensteiner for respondent. Cause submitted.

B190240 People
v.
Michael R. Horton

Merits:

Argued by Roderick Leonard for appellant. Argument waived by Alene M. Games for respondent. Cause submitted.

B190840 Mary L. Cook et al.
v.
Warren Hsiao et al.

Merits:

Argued by David Allen for appellants. Argument waived by Milford V. Smith for respondent. Cause submitted.

DIVISION ONE

B189841 People
 v.
 Austin Rios

Merits:

Argued by Katherin E. Greenebaum for appellant and by Lauren Dana, Deputy Attorney General for respondent. Cause submitted.

B188852 Monica Rodriguez et al.
 v.
 Fireman's Fund Insurance Company, et al.

Merits:

Argued by David Drexler for appellant, by Thomas J. Dowling for respondent Fireman's Fund and by Michael Dave for respondent Tuftco et al. Cause submitted.

B195010 Los Angeles County, D.C.S.
 v.
 Edmund M.
 In Re: Ashley M.

Merits:

Argued by Andre Toscano for appellant and by Judith Luby, Deputy County Counsel for respondent. Cause submitted.

Vogel, J., leaves the bench.

B186387 Law Office of Daniel J. Doonan, Inc.
 v.
 Kenneth Lo et al.

Merits:

Argued by Lynne Rasmussen for appellant and by Robert C. Moest for appellant. Cause submitted.

DIVISION ONE (continued)

Vogel, J., returns to the bench.

Rothschild, J., leaves the bench.

B183052 Jason Moch
 v.
 Deborah Anderson et al.

Merits:

Argued by Howard A. Kapp for appellant, by O. Brandt Caudill for respondent D. Anderson, and by Amy Lyons for respondent Kamat. Cause submitted.

Rothschild, J., returns to the bench.

Mallano, Acting P.J., leaves the bench.

B197215 Michael O. and Frances O.
 v.
 Superior Court, Los Angeles County
 (Alan M. et al. and Rachel O., r.p.i.)

Merits:

Argued by John E. Carlson for real parties in interest Alan M., et al., and by Eliot Lee Grossman for real party in interest Rachel O. Argument waived by Carrie Clark and Marissa Coffey for petitioners. Cause submitted.

Mallano, Acting P.J., returns to the bench.

Rothschild, J., leaves the bench.

DIVISION ONE (continued)

B187031 Los Angeles County, D.C.S.

v.

Jose Y. Lauchengco

Merits:

Argued by Jose Y. Lauchengco in Pro Per for appellant and by Kim Nemoy, Deputy County Counsel for respondent. Cause submitted.

Rothschild, J., returns to the bench.

B183432 People

v.

Darrell Sean Thomas et al.

Merits:

Argued by George L. Schraer for appellant Thomas, by Jerome Maguire for appellant Young, by Stephen Lathrop for appellant Gresham and by Deputy Attorney General Mary Sanchez for respondent. Cause submitted.

B185956 Jacqueline Colburn

v.

The Northeast Trust Company, as Trustee, etc., et al.

Merits:

Argued by Gordon B. Cutler for appellant/respondent Jacqueline Colburn, by Allan B. Cutrow for appellant Bergstein, and by David C. Nelson for respondent/appellant The Northeast Trust Company, etc. Cause submitted.

Court adjourned.

DIVISION ONE (continued)

[illegible]

The order is affirmed.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Rothschild, J.

B189403 People (Not for Publication)
v.
Rossum

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Rothschild, J.

B194000 People (Not for Publication)
v.
Hughes

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Rothschild, J.

DIVISION ONE (continued)

B195461 People (Not for Publication)
v.
Sanchez

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Jackson, J. (Assigned)

B190665 People (Not for Publication)
v.
Sanchez

The \$10,000 payment to the Restitution Fund is vacated, and the cause is remanded to the trial court with directions to determine whether the People intend to pursue the restitution issue; if so, the court shall set a hearing and thereafter make such other orders as are necessary and appropriate; if not, the court shall forthwith reinstate the \$200 restitution fine (§ 1202.4, subd. (b)); and in either event the trial court shall issue a corrected abstract of judgment (after conforming the amounts of all the fines to the orders actually made) and forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Jackson, J. (Assigned)

May 22, 2007 (Continued)

DIVISION ONE (continued)

B190868 People (Not for Publication)
v.
Marron

Marron's conviction of robbery (count 2) is reversed and the stayed sentence imposed on count 2 is vacated; in all other respects the judgment is affirmed and the cause is remanded to the trial court with directions to issue a corrected abstract of judgment and to forward it to the Department of Corrections.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Jackson, J. (Assigned)

DIVISION FOUR

B185326 Blackmore (Certified for Publication)
v.
Powell and Schmitter

The judgment is affirmed. Respondent(s) to recover costs.

Manella, J.

We concur: Epstein, P.J.
Suzukawa, J.

May 22, 2007 (Continued)

DIVISION SEVEN

[illegible]

The order under review is affirmed.

Zelon, J.

We concur: Perluss, P.J.
Woods, J.

B183396 People (Not for Publication)
v.
Erazo

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

B192817 People (Not for Publication)
v.
Corrales

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

DIVISION SEVEN (continued)

B190874 In re Sandra Davis Lawrence (Certified for Publication)
On
Habeas Corpus

For all the reasons discussed above, we conclude the Governor's reversal of the Board's fourth recommendation Sandra Davis Lawrence be released on parole is not support by "some evidence" under either the California or the federal view of what constitutes "some evidence" when courts review parole decisions. Accordingly, we grant the petition for writ of habeas corpus. The Governor's decision to reverse the Board's grant of parole to Sandra Davis Lawrence is vacated, the Board's parole release is reinstated and it is ordered she be released forthwith.

Johnson, J.

I concur: Zelon, J.
I dissent: Perluss, P.J. (opinion)

DIVISION EIGHT

B187098 People (Not for Publication)
v.
Trigueros

Trigueros's sentence is vacated. The case remanded to the trial court for resentencing. In all other respects, the judgment is affirmed. The trial court shall prepare a revised abstract of judgment and forward a copy to the Department of Corrections.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

DIVISION EIGHT (continued)

B178918 McNairy et al., (Certified for Partial Publication)
v.
C.K. Realty et al.,

The judgment is affirmed in part and reversed in part. The judgment is affirmed with respect to those tenants who testified in both portions of trial and were awarded damages. These tenants include: Habibur Bhuyian, Jung Sook Sohn, Arlene Curry, Josephine Crawford, Tuk Sun Yi, Mi Lee, Soon Duk Leem, Youn Gu Chung, Johnny Salazar, Christopher Leung, Jung Sook Min, Kang Ho Lee, Anthony Paik, Citlaly Torrecillas, Teresa Djedro, Hyun Joo Yi, Gladys Yoou, In Kyung Rah, Myung Soon Pak, Mamadou Doucoure. The judgment is affirmed with respect to Unsil McNairy, Choon Mi Choi and Jiena Chang. These Tenants were permitted to testify during the damage portion of trial but did not testify and therefore did not receive damages. The judgment is affirmed with respect to Chris Jeon and Aysha Rahman who were found to lack standing. The judgment is reversed with respect to the remaining tenants. With the exception of Chris Jeon and Aysha Rahman, the 84 tenants who were prohibited from testifying during the damage portion of trial should be afforded the opportunity to testify regarding their damages, if any, as a result of the lack of potable water and the cockroach infestation. The judgment is reversed with respect to Kyung Cha Bae, who testified in both the liability portion of trial and the damage portion of trial, but was not awarded damages. The trial court shall consider whether he is entitled to an award of damages. The case is remanded to the trial court. Tenants are entitled to costs for the appeal and cross-appeal.

Cooper, P.J.

We concur: Boland, J.
Flier, J.

DIVISION EIGHT (continued)

B187098 People (Not for Publication)

V.
Trigueros

Trigueros's sentence is vacated. The case remanded to the trial court for resentencing. In all other respects, the judgment is affirmed. The trial court shall prepare a revised abstract of judgment and forward a copy to the Department of Corrections.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

B183966 Steven M. Garber & Associates,

v.
Eskandarian et al.,

Filed order modifying opinion & order for partial publication. (No change in the judgment)